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## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, January 10, 2022, at 6:30 p.m.

## Senate

FRIDAY, JANUARY 7, 2022

The Senate met at 12 noon and was called to order by the Honorable CHRIS VAN HOLLEN, a Senator from the State of Maryland.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the source of every good and perfect gift, we thank You for the opportunity on yesterday to reflect on how to strive for a more perfect Union.

On an ominous anniversary, You provided us time to meditate on the question, Where do we go from here, chaos or community? Lord, grant that the searching of our hearts will lead our lawmakers toward greater unity and cooperation, enabling them to find creative strategies to keep our Nation strong.

We pray in Your mighty Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 7, 2022.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRIS VAN HOLLEN, a Senator from the State of Maryland, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Mr. VAN HOLLEN thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### EXECUTIVE SESSION

### EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Amitabha Bose, of New Jersey, to be Administrator of the Federal Railroad Administration.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

### FREEDOM TO VOTE ACT

Ms. KLOBUCHAR. Mr. President, I come to the floor today to speak in support of legislation that is critical to our democracy, the Freedom to Vote Act, which I introduced this year with many Senators who worked together through the summer to come up with a bill that would make a difference for our country, with input from secretaries of state across our country, election experts, in order to give the people of this country the right to vote, to protect the right to vote, and to make sure that they understood that they can vote anywhere from any ZIP Code in a safe way because right now, sadly, that is simply not the case in many States in our country.

If you are in North Carolina right now and you want to cast a mail-in ballot and you have COVID or you are in the hospital, you have to get a notary public to sign off on your ballot.

If you are in Georgia, and you don't register, you are a new resident there, you have moved there from another State, and you are in a big election, and you think, well, I am going to vote in the final place, you are no longer allowed to register in the last month as you were in the past during the runoff election.

As we saw in the last election in 2020 in Houston, in that county—5 million people—there was only one drop-off box in the entire county; Harris County, 5 million people, only one drop-off box.

There are places in States where you wait in line, 8, 10 hours in the hot Sun just to exercise your right to vote.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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That is why, through the year, we worked together with, of course, Leader SCHUMER, who brought us together, and Senators MANCHIN, MERKLEY, PADILLA, KING, KAINE, TESTER, and WARNOCK—different Senators coming from different parts of the country with different political views on certain issues, but we came together and cosponsored this bill, which is supported by every Member of the Democratic caucus.

I want to thank all of them for their ongoing hard work to get the bill passed and also to thank Senators SCHUMER, DURBIN, KAINE, and MERKLEY for joining me on the floor today in support of this bill.

The freedom to vote is fundamental to all of our freedoms, which is why we called it the Freedom to Vote Act. It ensures that people are part of a franchise and that government is accountable to the people, but, today, this fundamental right that is the very foundation of our system of government is under attack.

Since the 2020 election, we have seen a persistent and coordinated assault on the freedom to vote in States across the country. I just used a few examples of the laws that have changed, the attempts that have been made in nearly every State, with over 400 bills, to change those laws.

But then there have been direct threats. Local election officials, many secretaries of state have told me that they are having trouble now recruiting people to run their election-day and election-month facilities. Why? Because there are threats. There have been polls and studies that have shown that election officials in inordinate numbers are the victims of these threats.

One Republican commissioner in Philadelphia, election commissioner who recently left his job, they actually put his family's names, young kids' names, a picture of his house, and his address on the internet so that people can target his very family.

The emails, the voice messages left, the one left for Katie Hobbs, the secretary of state for Arizona: We will hunt you down, Katie. We will hunt you down.

These attacks on our local election officials and also Members of Congress of both parties—a record number 9,600 in the last year, which is double or triple what it has ever been. You cannot look at the incident of January 6, of that insurrection, on its own. These threats of violence have continued into the year.

And why is that? Well, we know there is this enormous lack of trust right now in our election system. We know that people have wrongly been told, have been given misinformation, have been motivated, as we saw, as those people marched down the Mall on January 6, to believe that somehow our democracy and our voting system is a fraud.

Now, we know that is not right because we hear it from Republican and

Democratic local officials all the time. President Trump's own Homeland Security election head, after the last election, said it was the most secure in the history of America. That was President Trump's appointee. Former Attorney General Barr made it very clear that there was not widespread fraud in the last election of any kind. But yet this lie continues, and people, sadly, continue to believe it.

And what is the most sad is that elected leaders in States—a number of States, not just one or two, multiple States—are passing laws with the false tenet of fraud and literally taking away people's right to vote, kicking them off of voting rolls.

People who for years have gone to one polling location now can't figure out where they are supposed to vote; people in Georgia who suddenly have been told—after the last election did it differently—that they have to write their birthday on the outside of an envelope. Anyone who is asked to write a date on an envelope for a ballot, one would assume it is the date that you are putting your ballot in the mail. But, no, it is your birthday. That is the kind of thing we are seeing across the country.

As one court in North Carolina once said about previous efforts to suppress the law, it is discrimination with surgical precision, State by State by State.

These attacks on our democracy demand a federalist response. Just as we saw in the 1960s with civil rights legislation, at some point, the Federal Government had to step in. And, in fact, our own Founding Fathers actually anticipated that this might be necessary because right in the Constitution, it says that Congress can “make or alter” the laws regarding Federal elections—as clear as can be, “make or alter” the laws regarding Federal elections.

So what we are talking about here are some minimum standards in place for how you do early voting, for the fact that you can register, for the fact that you can have drop-off boxes, “make or alter” the rules for Federal elections.

When you have States, certain States messing around to the extent that they are, with the clear intent that they have, this is the moment that we look to the Constitution for guidance, and it is right there.

This is why the need for action could not be more serious. This is why, as Leader SCHUMER has announced, we will be moving to advance the Freedom to Vote Act next week.

With State legislatures beginning to convene for their 2022 legislative sessions this week, with plans to pass more bills that will restrict voting and with primaries for the 2022 election just around the corner, we cannot wait another moment.

Yesterday, we gathered in this Chamber to mark 1 year since the violent mob of insurrectionists stormed into

this Capitol. I can see everything like it was in technicolor—when we came back into this Chamber, to our desks, everyone looking in their desks to see if anything had been taken; the videos we saw, which only a few hours before people had invaded this Chamber; and the walk that Senator BLUNT and the Vice President and I took through the broken glass, spray-painted statues, with the young staff members with the mahogany boxes containing the last of the electoral ballots.

As I said 2 weeks later at the inauguration, this is the moment when our democracy brushes itself off, stands straight, moves forward, “one nation under God, indivisible, with liberty and justice for all.”

You just said that pledge, I say to the Presiding Officer, in this very Chamber. The pages said that pledge in this very Chamber. To me, those are not just empty words; they are a pledge that we must keep.

Election officials, as I noted, across the country have been targeted by an overwhelming increase in the number of threats. We cannot keep that pledge, “for liberty and justice for all,” and a democracy if we can't have fair elections and literally people who are just doing their jobs, whether in this building or out in Mississippi or out in Pennsylvania or in Arizona, getting threatened just for counting votes. We actually even heard from the Republican Kentucky secretary of state recently in a hearing that Senator BLUNT and I had about how difficult it is to fill those jobs.

So in light of all of this, let's talk some basics about what the Freedom to Vote Act does.

It strengthens protections for election workers by making it a Federal crime to “intimidate, threaten, or coerce” election workers. It protects election officials from improper removal by partisan actors. It puts a standard in place. So you can't just throw them out because you don't like what the results were, what their votes were that they counted; it establishes a statutory right to vote, to have their votes counted; and it protects against sham audits, like the one we saw in Arizona and the ones being advanced in Wisconsin, Michigan, Texas, and Pennsylvania.

It is worth noting that even though these so-called audits aren't using reliable methods in Arizona, that sham audit actually found President Biden had a larger margin of victory, and the first round of findings in Texas found nothing that could have changed the outcome in the election.

A few weeks ago, we gathered for the funeral of a great man who served many years in this Chamber, Senator Dole. President Biden reminded us of something he had once said when the debates in this Chamber—when there were actual debates—were raging about civil rights legislation. Bob Dole said this:

No first-class democracy can treat people like second-class citizens.

“No first-class democracy can treat people like second-class citizens.”

We are a first-class democracy. Yet, as I know, 19 States have passed 34 bills that include provisions to restrict voting, and State legislatures are looking at even more. The need for Federal action is urgent.

But as we have seen in States like Georgia, Florida, Iowa, Montana, and Texas, we are up against a coordinated attack aimed at limiting the freedom to vote. Examples—I have used a few already, and I am going to keep using them throughout the weeks ahead.

The new law in Georgia shortens runoffs by 5 weeks and prevents new voters from registering to vote during runoff elections.

In Iowa, a new law cut the days of early voting by 9 days and closes the polls an hour early. That was after the State, in the words of its own Republican secretary of state, shattered its voter turnout record last year. If that shattered the voter turnout record, Senator KAINE, to have an hour extra, why would you then take the hour away?

A new law in Montana says you can no longer register to vote on election day. Yet that same-day registration—I know because my State is proud of our same-day registration, and we have the highest voter turnout in the country in nearly every single election—for 15 years that was in place in Montana—15 years. Don’t tell me it was some new thing that they weren’t used to—15 years. And as part of this coordinated national attack on voting, they took it away.

In 2020, the Texas Governor, as I noted, also limited counties, including Harris County, which has as many people as nearly my entire State, to that one ballot dropoff box.

We cannot hold free and fair elections with laws and procedures like these. And, yes, there is the issue—the horrendous issue—of messing around with how the votes are counted and getting rid of the nonpartisan boards and allowing partisan legislatures to count and sham audits.

All of that is covered by our bill, and it is a big problem. But if you rig the elections before the votes are even counted by making it impossible for certain people to vote—in the words of our great colleague Reverend WARNOCK, “Some people don’t want some people to vote”—does it even matter if you count them if they are not allowed to vote in the first place?

That is why Americans need the Freedom to Vote Act, which builds on the framework put forward by my colleague and former West Virginia secretary of state Senator MANCHIN last summer. As I note, it reflected the work—hard work—of many, many Senators, including ones in this room today: the Senator from Oregon, Senator MERKLEY; the Senator from Virginia, Senator KAINE.

We can’t just sit back and allow for 5 weeks to be cut from the Georgia run-

off period—during which over 1.3 million people voted in 2021—or allow for people to be prevented from registering to vote for runoff elections when nearly 70,000 Georgians registered to vote during that time.

Protecting elections against subversion also won’t bring back same-day registration on election day in Montana unless we do the work from the beginning, which nearly 8,200 Montanans used in 2020 to register or update their registration. That is a lot of people in Montana.

It won’t ensure that over 16 million registered voters in Texas have access to drop boxes. It simply is not enough to just focus on counting the votes if you want to protect things that matter to people.

The best of the best is what the American people want. They want to be able to vote in the safest way possible that works for them. One poll found that 78 percent of Americans, including 63 percent of Republicans—this is from April 2021, Pew—support making early in-person voting available for at least 2 weeks before election day. That is exactly what this bill does.

Sixty-eight percent of Americans, including 59 percent of Republicans, support making election day a national holiday—Pew poll, April 2021. That is what this bill does.

Sixty-one percent of Americans support automatic voter registration—Pew, April 2021. That is what this bill does. If you go in and get your driver’s license—huh?—why would you have to then, when the State has all of your information, have to go in and register again?

So while Senate Republicans claim that this bill isn’t popular, there are people in their own party, time and time again, who have supported these provisions.

How about, for instance, Utah, where nearly the entire State has mail-in balloting, but yet in other States—like I just mentioned in North Carolina—you can’t cast your mail-in ballot without getting a notary public?

That is why the Constitution says that, for Federal elections, Congress can make or alter the rules regarding Federal elections.

For decades, we know voting rights has been a bipartisan issue. In 2006, the Voting Rights Act—I know Senator DURBIN, the author of this bill, has worked so hard on this—was reauthorized. The Voting Rights Act was reauthorized by a vote of 98 to 0. But right now, when we look at changes to the Voting Rights Act in response to a court case out of the Supreme Court, it is so necessary to update that bill right now. Only one Republican, Senator MURKOWSKI of Alaska, voted to even advance that bill to allow for debate. Only one was willing to debate it.

Let’s be clear. When article I, section 4 of the Constitution empowers Congress to make or alter rules for Federal elections at any time—at any time—I believe it is in there for a reason. I

don’t think they just put that in there for, “Oh, let’s just throw this in,” in the very few words of a Constitution for the greatest democracy the world has ever known. No, it was in there for a reason. This is the reason.

We get to one more thing—and then I will turn it over to my colleagues—and that is the need to look at the Senate rules for voting. So I would argue that maybe for the people of this country—the hundreds of millions of people of this country—their voting rules might be just a little, tiny bit more important than our voting rules in this Chamber.

But, nevertheless, acknowledging that, our voting rules have changed many, many times. Since the beginning of the Senate, the rules governing debate have changed, as I said, multiple times. Throughout history, there have been over 160 exceptions to the 60-vote cloture threshold, including nominees, reconciliation, and disapproval of arms sales. Even the number of votes needed to end debate has changed.

I am very interested in making this place work. I don’t think people would spend all this time getting elected just to come here and stop bills from happening and then go home, but that is pretty much what is going on right now in this Chamber.

I look at those pages. I think about that they came here to watch these grand debates in what is supposed to be the greatest deliberative body of all time, and instead we basically have an empty room.

This is the moment to protect voting rights. And yes, we acknowledge that to do it—because, sadly, we don’t have the bipartisan support that we have had in the past for voting rights and for protecting people’s rights—we have to do it this way. And there is nothing magical about the rules as they are now. If there were, there wouldn’t be 160 exceptions and they wouldn’t have been changed multiple times.

I will end with this. Protecting the freedom to vote has never been easy. Throughout our country’s 245-year history, we have had to course-correct to ensure that our democracy—for the people, by the people—always lived up to our ideals.

Last year, when speaking in Philadelphia, President Biden called the fight to protect voting rights the test of our time. We owe it to ourselves and future generations of Americans to ensure that our democracy is protected.

With that, I thank you, Mr. President, and I turn it over to my colleagues.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I want to thank the Senator from Minnesota. She is an extraordinarily talented legislator and works well in a challenging political environment, and she has tackled this issue with a ferocity and intensity which is seldom seen in the U.S. Senate. It is fitting that she did

and that she continues even to this day because of the gravity of the issue, but we are fortunate to have her leadership—extraordinary leadership—to bring us to this moment where we are facing the issue of voting in America.

Mr. President, I started on Capitol Hill at the lowest possible level, as an intern, in the office of U.S. Senator Paul Douglas of Illinois. I was a college student at Georgetown University.

Senator Douglas had served in World War II. He volunteered at the age of 50 to enlist in the Marine Corps and worked his way into a fighting position in the South Pacific. And on the island of Okinawa, he was shot up, and his left arm dangled by his side the rest of his life, much like Bob Dole. He used to refer to that left arm as his paper-weight.

He had a way of running a Senate office which would be impossible in these days, but he insisted on signing every letter that went out of his office. And he would read them and make notes, which I thought were illegible, but they were his efforts to send personal greetings along with the letters.

Well, you can imagine that they stacked up the letters each day—his staff did—as they typed them and used carbon paper back in the day. And he would come in at 5 o'clock at his conference table with a large stack of letters and start to fold them. Of course, with one arm, he needed help. That is where I showed up—and the other interns. We sat next to him and pulled the letters as he signed them.

And we were told by the senior staff in the office that, as interns in that capacity, we weren't supposed to talk to this great man because he had important thoughts going through his mind and we shouldn't interrupt him. But, lo and behold, he would open the conversation with me and others, and we felt really fortunate to have a chance to just speak to him for a few minutes.

So I would prepare, every time I was going to play that role, to read even more about his background so I knew what he had been through. I can recall the day when I worked up the courage and said—they called him Mr. D.—Mr. D., I read somewhere that before Franklin Roosevelt was elected President of the United States, that you were a socialist and a follower of Norman Thomas, another American socialist. Why were you not a Democrat?

He said: DICK, in those days, the Democratic Party was the party of southern Democrats who were not good on civil rights and big-city bosses, whom I always fought in the city of Chicago. So socialism was a good alternative for a progressive like me.

I think he used the word “liberal”—“a liberal like me.”

But then came Roosevelt and opened the door for a lot of us on the liberal side to become part of the Democratic Party—the new Democratic Party—under his leadership.

I always remember that and thought that in the course of American history,

so many times, tables have turned, and they are turning on this very issue of voting rights, because if you look at the history of voting rights in this country and the suppression of voting rights, particularly toward African Americans, I am sorry to report that it is my Democratic Party—one I am very proud of today—which was guilty of so many sins in the past when it came to discrimination against voters when it came to voting.

And that, to me, was a reality that is now interesting today because the tables have turned. The Republican Party, the party of Abraham Lincoln, was the party, by and large, that fought for voting rights for the recently liberated African-American populations after the Civil War and the Democrats in the South that resisted it.

I want to commend a book to those who are following this debate. It is entitled “One Person, No Vote.” And the book is written by Carol Anderson, who has become a friend of mine. Carol is a professor in African-American studies at Emory University in Georgia, and she writes the history of reconstruction and Jim Crow.

I want to read just a small section of this book to put in perspective what was happening. Here it was, a Civil War in this country, with over half a million Americans dead, with inflamed feelings on both sides of the war. And, afterward, for the first time, African Americans, because of the war and because of constitutional amendments, were going to be enfranchised—actually be allowed to vote. And, of course, when they did turn up in great numbers, they ended up electing their own and electing people who were sympathetic to their cause.

Well, there was a backlash, primarily among Democrats in the South, and that backlash led to Jim Crow during Reconstruction and the suppression of the right to vote.

It was horrible.

I want to read one part of this book, Carol Anderson's book, “One Person, No Vote.” She writes:

That became most apparent in 1890 when the Magnolia State passed the Mississippi Plan, a dizzying array of poll taxes, literacy tests, understanding clauses, newfangled voter registration rules, and “good character” clauses—all intentionally racially discriminatory but dressed up in the genteel garb of bringing “integrity” to the voting booth. This feigned legal innocence was legislative evil genius.

Virginia representative Carter Glass, like so many others, swooned at the thought of bringing the Mississippi Plan to his own state [of Virginia], especially after he saw how well it had worked. He rushed to champion a bill in the legislature that would “eliminate the darkey as a political factor . . . in less than five years.” Glass, whom President Franklin Roosevelt would one day describe as an “unreconstructed rebel,” planned “not to deprive a single white man of the ballot, but [to] inevitably cut from the existing electorate four-fifths of the Negro voters” in Virginia.

One delegate questioned him: “Will it not be done by fraud and discrimination?”

Glass [answered]:

“By fraud, no. By discrimination, yes.” “Discrimination! Why, that is precisely what we propose . . . to discriminate to the very extremity . . . permissible . . . under the Federal Constitution, with a view to the elimination of every negro voter who can be gotten rid of, legally, without materially impairing the numerical strength of the white electorate.”

Well, the Mississippi Plan was picked up by other States. In Louisiana, for example, where more than 130,000 Blacks had been registered to vote in 1896, after the application of these laws, the number dropped from 130,000 to 1,342. African-American registered voters in Alabama plunged from 180,000 to fewer than 3,000 in just 3 years.

I am sorry to say that these were Democrats in the South who were leading that charge. I am sorry to say that that was part of the history of my party. But it is history. It does reflect what is going on today.

Now there is a conscious effort by the other party—then-party of Abraham Lincoln—to find ways to reduce the opportunity to vote. And why? Why would they do this? In the last Presidential election, in 2020, we had the largest turnout in the history of the United States, exactly what a democracy should celebrate. And, instead, we find State after State dominated by Republican legislatures and Governors trying to find ways to reduce opportunities to vote. Why? Why wouldn't we make it as easy as possible for every eligible American to vote?

Justice Roberts, in his confirmation hearing before the Senate Judiciary Committee, I remember, talked about voting being the right that is the preservative of all other rights. It is so fundamental. You would think that we could accept the premise that if this democracy is to work, the electorate should speak and as many as possible should participate. But today we have the opposite: an effort by nearly 20 States or more to reduce opportunities to vote, and in reducing those opportunities, many people will be denied their chance to speak when it comes to the election.

Congress and our Nation marked the first anniversary of one of the darkest days in America history yesterday: the January 6 insurrection, the day American democracy was nearly lost. That day, an embittered, defeated President Trump sent a murderous mob to attack this Capitol and overturn the election he had lost.

I was honored to join my colleagues yesterday to speak to the bravery of the Capitol Police, the Washington, DC, Metropolitan Police, and the National Guard, who battled not only to defend this building but to defend our way of life and our government. Those defenders of democracy faced down violent extremists for hours. They endured vicious attacks with fists, chemical sprays, baseball bats, flagpoles, steel bars, and other weapons.

It is because of their courageous sacrifice that our democracy survived.

Five police officers who battled the mob on January 6 died over the following days, weeks, and months. Most of them continue to protect us, even as they heal from the wounds of that day.

As these officers will tell you, January 6 was not a normal day for tourists in the Capitol, despite what Congressman ANDREW CLYDE, Republican of Georgia, claimed. And the threat of January 6 is not over.

For a few short hours after the insurrection, many of our Republican colleagues denounced the violence and the former President who provoked it. But sadly, Republican lawmakers throughout America quickly changed their tune. In a matter of days, more and more were intimidated to embrace the former President's Big Lie that the 2020 election somehow was not legitimate. Since January 6, we have seen a torrent of bills introduced in Republican-controlled legislatures to restrict voting rights and undermine the integrity of our democracy. Republican lawmakers in nearly 20 States—including Georgia, Arizona, and Florida—have passed laws making it harder for millions of Americans to vote, and in some cases, making it easier—and this is so critical—for politicians to overturn election results they don't like.

Let's be honest. These laws aren't about preventing voter fraud. They are about giving politicians the power to pick and choose the votes they want to count.

Does that sound like an echo of the history that we lived through right after the Civil War in the 19th and 20th centuries?

Instead of denouncing these efforts, our Republican colleagues have resurrected the age-old battle cry that they were using in those days: States' rights. They insist—falsely—that Congress has no authority to protect citizens whose voting rights are under attack. They are wrong. They have not taken the time to read history or the Constitution.

Inside the desk in this Chamber of every single Senator is a little book: the U.S. Constitution. I commend it to my colleagues, particularly in light of this debate.

It is article 1, section 4 of that Constitution which says: "The Times, Places and Manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such Regulations, except as to the Places of choosing Senators."

When you think about what we are trying to do here, as the Senator from Minnesota has described it, we are setting out to establish the standards by law for the choosing of Federal election.

Fast forward about 80 years after that sentence was written. The Civil War had come to a close, and the 15th Amendment was ratified to protect the rights of newly freed slaves, including the right to vote. What does that sec-

tion of the Constitution say? Section 2 of the 15th Amendment:

Congress shall have the power to enforce this article by appropriate legislation.

It couldn't be stated any more clearly. Preventing States from denying citizens their right to vote is not constitutional overreach. It is urgent, constitutional obligation, and we must honor it.

The International Institute for Democracy and Electoral Assistance is a think tank in Sweden. Every year, for more than 50 years, it has ranked the world's nations according to their commitment to democracy. In 2021, for the first time ever, the United States' ranking fell to what the group calls "a backsliding democracy." The report said: "A historic turning point came in 2020–21, when former President Donald Trump questioned the legitimacy of the 2020 elections in the United States."

We call it the Big Lie. If we in this Senate fail to denounce that Big Lie, do you know what America's future is going to look like? It won't be a government of and by the people. It will be a government ruled by political strongmen with weak principles.

These new voter-suppression laws are a coup in slow motion. They are the continuation of the January 6 assault on this building and our Constitution. They are designed to bring your right to decide your future—and deny it.

Ask yourself this: If the American people don't decide the outcome of elections, who will? I will tell you: political partisans, special interests, the rich and the powerful.

This Senate has the responsibility to protect the power and the rights of American voters in our democracy. And right now, there are two common-sense proposals before the Senate to do just that. I am honored to cosponsor both. The first is the bipartisan—thank you, Senator MURKOWSKI, of Alaska—John Lewis Voting Rights Advancement Act. It would strengthen the Voting Rights Act of 1965, the crown jewel of the Civil Rights Movement.

For decades, Republicans and Democrats have worked together—on a nearly unanimous basis—to reauthorize and update the Voting Rights Act. As Senator KLOBUCHAR mentioned earlier, there were times when more than 90 Senators would vote in favor of the reauthorization of that act. It reached a point in the House of Representatives where I believe the only Republican Congressman who would stand up and continue to vote for the reauthorization of that act was Jim Sensenbrenner of Wisconsin. He has since retired.

This new version, named in honor of the great John Lewis, our friend and colleague, would restore the full strength and authority of that legislation, which has been dangerously weakened by a series of misguided decisions from the conservative majority on the Supreme Court. I worked with Senators LEAHY, MURKOWSKI, and MANCHIN to craft this compromise bill.

The second bill, which Senator KLOBUCHAR spoke to—the Freedom to Vote Act—would preserve the integrity of our elections by establishing minimum standards for voting access in all States, including same-day voter registration and establishing election day as a Federal holiday.

What is behind all that? Just a very basic premise: Eligible voters should not face obstacles in voting. We ought to make it easier for them. Isn't it an embarrassment to you—it is to me—to watch the newscast show people standing in line—literally, hours to vote? Bless them for their determination to exercise their rights as citizens in this country. But shame on us—this great Nation—that we would make it so inconvenient and so difficult. And now State legislatures across the Nation are doing even worse.

I am grateful to Senator MERKLEY, who is here, and Senator KLOBUCHAR, for leading the efforts on this critical legislation. Both of these measures are simple, sensible, and popular. Together, they will protect every eligible voter's access to the ballot box.

There is no guarantee that more people turning up to vote are all going to vote for Democrats—or even for Republicans. But isn't it the nature of democracy to leave it to the American people to make that choice, not to those of us in legislatures, either State or Federal?

So why is it that our colleagues on the other side are once again using the filibuster to prevent the Senate from even beginning debate on these bills? It goes back to that old States' rights argument. I mentioned it earlier. Some Republicans have claimed that our proposals would amount to "a Federal takeover of our election system."

To those Republicans, I would say: Open your desk, and open this book, and read.

It is a baseless claim. These measures are about preventing partisans from poisoning the well of democracy. We cannot stand idly by as Republicans State legislatures enact a wave of unprecedented voter suppression, returning to that grim, dark period in American history of suppression of voting. We cannot accept that the Senate is powerless.

Later this month, we are going to honor Dr. Martin Luther King, Jr., a champion of democracy in our lifetime. Throughout the civil rights movement, Dr. King would quote a phrase from Thomas Carlyle, the historian, who wrote in his account of the French Revolution: "No lie can live forever."

So how much longer will we allow Mr. Trump's Big Lie to tear our Nation apart? How much longer will we accord a simple Senate rule more protection and respect than the Constitution—a Senate rule that began as a clerical error and has been changed 160 times?

Right now, the only obstacle standing in the way of stopping this voter suppression is the filibuster. But let's be clear. There is no Senate rule more

important than our constitutional right to vote. Americans have given their lives to defend our constitutional rights. No one has ever been asked to risk their life to defend the Senate filibuster rule.

For our Republican colleagues to feign outrage about preserving the rules and norms of this Senate, I would ask them to think back a year ago this week. Where were these precious rules and norms when the leader of the Republican Party—then-President Trump—plotted an overthrow of the government by disrupting the Senate business? Where were these rules and norms when some of our colleagues echoed the Big Lie that led to that bloody insurrection? And where were these rules and norms when some members of the Republican Party openly endorsed installing Donald Trump to the Presidency against the will of the American people?

Right now, this is not just another political debate; the future of the American democracy is at stake.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. KAINE. Mr. President, I am so proud to be on the floor with my colleagues Senator DURBIN, Senator MERKLEY, and Senator KLOBUCHAR to work on this issue of such great importance.

I would like to now discuss the John Lewis Act and the Freedom to Vote Act, critical voting rights proposals that the Senate will soon take up and that the Senate needs to pass. We have tried to bring these bills to the floor in recent months. The minority party has blocked the effort to even consider the bills, with the sole exception of one Republican, the senior Senator from Alaska, who has been willing to vote to proceed to consideration of the John Lewis Act.

Some of the most epic moments in the history of this Chamber have come as we grappled with voting rights. After the Civil War, the debate surrounding the 13th, 14th, and 15th Amendments were epic struggles about the Nation's new recommitment to the equality principle after the Civil War, and those struggles included dramatic discussions about voting connected to both the 14th and 15th Amendments. The struggle for women's suffrage, culminating in the 1919 passage of the 19th Amendment in the Senate, was also a pivotal moment for this body.

I believe the most dramatic voting rights struggle in the Chamber was the passage of the 1965 Voting Rights Act. Civil rights activist John Lewis and others marching for voting rights were savagely beaten on the Edmund Pettus Bridge in Selma, AL, in March of 1965. The building frustration of those denied votes in many States, together with that shocking instance of violence, coalesced into a final push to get a comprehensive voting rights bill approved. President Johnson addressed a joint session of Congress on March 15,

just 8 days after the attack on John Lewis, and he threw his support behind the Voting Rights Act.

The Senate began floor consideration of the bill on April 22. After more than a month of vigorous debating, filibustering, fighting, and amending, the bill passed, and it passed in a dramatically bipartisan fashion. Democratic support was 47 to 16. Republican support was overwhelming—30 to 2. The House passed its own version in July. A conference report was passed and then accepted by both Houses in early August. President Johnson then signed the bill in a ceremony attended by Rosa Parks, John Lewis, Reverend Dr. Martin Luther King, and many other legislative and civil rights leaders.

The Voting Rights Act that was fought for so hard in this Chamber and passed in 1965 is viewed as the most important piece of civil rights legislation in the history of this country. It ushered in dramatic increases in voter turnout, more opportunity for racial minorities not only to vote but also to run for office.

Studies have drawn a direct connection between the act and concrete actions to provide more government services to communities that had long suffered from public disinvestment. It is obvious: When all citizens are protected in their right to vote, then government becomes more responsive to all citizens.

The 1965 act was strongly bipartisan, both in its passage and in the frequent reauthorization over the years, most recently in 2006. But since 2006—really beginning with the Obama Presidency—the Republican Party has essentially done a 180 in its long support of expanding the franchise. Hostile Supreme Court rulings in *Shelby v. Mississippi* and *Brnovich v. Democratic National Committee* have put the burden back on Congress to fix the Voting Rights Act. But, in contrast to previous history where Republicans would join with us in those efforts, efforts to fix or improve the act have foundered because now the Republican Party is unwilling to support voting rights.

I talk about the 1965 act because it is notable to me for two reasons. First, it came at a time when many States, primarily in the South, including my own Commonwealth of Virginia, were undertaking massive efforts to disenfranchise African-American voters. And there was a culminating event—shocking violence against John Lewis and others as they tried to press for voting rights, and that violence galvanized the Nation and this body into action so we could protect voting and protect our democracy.

History repeats itself. Today, we are seeing a full-out attack on voting and our entire electoral system. Now it is not just limited to Southern States. Now it is not just directed solely at African-American voters. Now it is not just an attack led by bigoted State or local officials in one region. The attack emanated from the previous President,

with years of attacks on the integrity of American elections—attacks that ratcheted up in the closing phase of the 2020 election.

President Trump, after losing that race, then went on a wild search for a way to hold on to power, making up lies about the election, spearheading meritless lawsuits in many States to challenge the result, directly asking election officials to “find” him enough votes to win key jurisdictions, and even trying to strong-arm his own Vice President into violating his constitutional oath so that he would deliver a victory to the losing candidate.

Just as in 1965, there came an unforgettable episode of violence directly related to the attacks on our system of elections. The Capitol itself was attacked on a particular day and hour for a particular purpose: to stop the certification of the electoral outcome. More than 100 police officers were injured that day as a result of this attack on our democracy. Five Virginia law enforcement officers lost their lives as a result of that day.

The violence wasn't just a riot; it was violence designed to disenfranchise the 80 million people who had voted for Joe Biden and KAMALA HARRIS. That singular event ranks among the largest disenfranchisement efforts in the history of this country.

History repeats itself, and the attacks on our democracy continue. In Republican State legislatures all across this country, as has been demonstrated by my colleague from Minnesota, efforts are underway to restrict voting, to make it harder for people to vote if they are more likely to vote for Democrats, to make it easier to challenge and intimidate voters with the hope that it will discourage their participation, to interfere with the counting of votes, and to interfere with the certification of elections by duly-sworn election officials. These are partisan efforts only occurring in States with Republican leadership, and they pose a grave threat to our democracy.

The violence of January 6 also continues in a tremendous spike in threats to those public servants who serve as election officials—threats to their lives, threats to their families—all designed to intimidate those who won't bend to the will of the former President and those who have been dragged into his full-scale assault on our democracy.

So the Senate stands at the same moral crossroads where we stood in the spring of 1965. There is an assault on voting and elections, on the very system of democracy that distinguishes our Nation. The assault has led to shocking and cataclysmic violence specifically designed to disenfranchise millions of people, and the question for the Senate is, What should we do about it?

In the John Lewis Act and the Freedom to Vote Act, we find a solution for the moment, just as the Senate found in the Voting Rights Act a solution for its time.

The Lewis Act restores the preclearance process contained in section 5 of the Voting Rights Act by coming up with a fair process for determining which jurisdictions must seek preclearance of voting changes. No longer is preclearance limited to certain geographies or States with long histories of discriminatory electoral practice; instead, every region and community is treated the same, subject to preclearance for a fixed period of years following any voting rights violation and able to avoid preclearance if there have been no such violations.

The Freedom to Vote Act sets minimal standards for access to the ballot in Federal elections, mandates transparency in campaign contributions, requires nonpartisan redistricting for congressional seats, and provides remedies to block partisan efforts to take power away from duly-sworn election officials. It is designed for the dangers of the moment and will both protect people's right to vote and give them confidence that their vote will be counted and an election result will be accurate and fair.

It is high time we take up these bills and pass them, and the floor debate should be vigorous, with an opportunity for colleagues to make their case and offer amendments. The Nation is watching us and needs to understand where every Member of the body stands on this critical issue.

I acknowledge one sad reality of this likely debate. Protecting voting rights is unlikely to attract Republican support as it did in 1965. I hope I am wrong. I would be very happy to apologize for being wrong, but I have had enough conversations with my Republican colleagues, and I watched their votes on the floor as we brought these matters up before. I think I understand what they will likely do. But even if we get no Republican support, we cannot shrink from the task. The stakes are too high and the moment is too meaningful to allow for any evasion. If we pass this bill, it will be good for Republicans and Democrats and Independents because it is good for democracy.

As I close, I will just bring up a recent example to show why expanding voting is not just good for one party. We just had a Governor's election in Virginia, November 2021. My preferred Democratic candidate lost, but the election, in a bigger way, was good for democracy because the turnout in the election went up by 25 percent over the turnout in the Governor's race 4 years before. More people participated, and that is a good thing.

Why did the turnout go up? The turnout went up because Democrats earned control of both houses of our State legislative chamber and made a set of changes—much like the changes in the Freedom to Vote Act—to make it easier for people to participate and give them confidence in the integrity of the ballot and certification of results. Guess what. When Democrats did that,

turnout went up by 25 percent. And the winner wasn't a Democrat; the winner was a Republican.

Doing things like the Freedom to Vote Act isn't partisan, even though the vote in here will be partisan. It is good for all.

That increase in turnout by almost 25 percent almost set a record in Virginia. There was only one Governor's race where the turnout jump was even bigger, and it was when my father-in-law was elected Governor of Virginia in 1969. My father-in-law, Linwood Holton, had run as a Republican for Governor in 1965 and lost. He ran again in 1969 and won, and the turnout went up by 65 percent between his two races. That is the one that sets the record in Virginia. Why did turnout go up? Because the Voting Rights Act was passed and because the U.S. Supreme Court in *Harper v. Virginia* in 1966 struck down poll taxes as a precondition of voting in State elections.

So fancy that. You make it easier for people to vote, you remove discriminatory obstacles in their way, and more people participate—not necessarily good for Democrats, not always good for Republicans, but always good for the health of a democracy. That is why we need to pass these bills.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. SCHUMER. Mr. President, I usually don't give such lengthy speeches, but today I will be on the floor for a little while, and I have 12 sections to my speech. The first section is on voting rights, of course.

The first section is history, equality, democracy, and the Founders' vision. And I begin with a quote.

To understand political power right, and derive it from its original, we must consider, what state all men [and women] are naturally in and that is a state of perfect freedom to order their actions and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other [person].

John Locke published those words in England anonymously—anonymous—exactly 100 years before the Constitution of the United States came into effect a very, very long time ago, at least to the human mind.

They were published not in the era of Republics but of kingdoms; not of Presidents but of Monarchs; not of citizens but rather subjects. It was an era when many argued and took up arms for the idea that the King derived power from the decrees of Heaven, and here John Locke said, no, political power, in fact, comes from free individuals.

These words were circulated for years in secret—in secret—because to hold these views back then was treason. Locke went further:

The natural state is also one of equality in which all power and jurisdiction is recip-

rocal, and no one has more than another. It is evident that all human beings . . . are equal amongst themselves.

These words, these ideas, a third of a millennia old, but it is right there staring us in the face. All men and women are naturally free, and all men and women are naturally equal.

I will admit this may be lofty stuff, but history lessons matter—because these ideas were the initial blueprints for a different sort of political order that would take shape here in this continent, articulated a century later in the words of the American Declaration of Independence.

These were the original ideas for what would inspire the Framers to create—not a kingdom but a Republic, a democratic society, a place where people equal in rank decide their own leaders and create free elections.

It reminds me of the words of James Madison as well:

Who are to be the electors of the federal representatives? Not the rich, more than the poor; not the learned, more than the ignorant; not the haughty heirs of distinguished names. . . . The electors are to be the great body of the people of the United States.

Section 2: American History is a Long March Toward Universal Suffrage. That is the noble side of our early history, worthy of remembering and pursuing to this day. There is, of course, a more complicated, more frustrating reality, one we should not be afraid to admit and to recognize. And one we hide from or, worse, try to erase at our own peril.

We all know that when our country was founded, mass participation in representative government might have been the object of the Founders, but it certainly was not a practice. Immediately excluded were 700,000 enslaved men and women, counted as three-fifths of a person for the purpose of congressional allotment, but zero-fifths of a person for all other matters of human dignity. Women, too, were left out.

Also cast aside and brutalized were those who lived on this continent for thousands of years before the colonial era, for whom full participation in political life, in practicality, has never, never been made real, even till today. And through it all—through it all—voting requirements were left to the States to choose for themselves so that depending on which side of a State boundary you lived on, a different side or set of rules might apply to you in determining your worthiness to choose your own leaders.

So despite Madison's sentiments, at the time of our Constitution's ratification, you had to be a White male, oftentimes Protestant, landowner to vote.

By the election of 1800, barely more than 1 in 10 Americans were even eligible to vote. Of the 16 States then in the Union all but 3 limited suffrage to property holders or taxpayers.

And here is another truth too: Despite all that, the story of democracy